

NEXUS BANKRUPTCY

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UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

RIVERSIDE DIVISION

In re:

YVONNE GIOVANNA STEWART,

Debtor.

Case No.: 6:23-bk-10196-SY

Chapter 13

**EX PARTE MOTION FOR ORDER
EXTENDING DEADLINE TO FILE
CASE COMMENCEMENT
DOCUMENTS**

(No hearing date required unless ordered)

Debtor, Yvonne Giovanna Stewart, by and through her counsel, Benjamin Heston, hereby requests that the deadline for filing of the case commencement documents be extended to January 9 for the reasons stated below.

Shortly after the initial petition documents were filed with the Court, a deficiency notice was issued requiring that the deficient documents be filed by February 3, 2023. As such, the remaining documents were filed on February 3, 2023. However, another deficiency notice was issued since the Debtor's signatures were uploaded in the "/s/" format. The cause of this error is that Jubilee, a bankruptcy software service similar to Best Case, just does not have a simple way to file documents that require holographic signatures. Instead, the software has to be "tricked" into filing by checking the box indicated that the documents are "e-signed" and then replacing the final holographic documents immediately before filing the documents with the Court.

Counsel requested that Debtor obtain cleaner copies of her signatures, but was only able to receive very small and blurry photographs of the signature pages. According to Local

1 Bankruptcy Rule 9011-1(a):

2 “Except as provided below, every signature on a filed document must be
3 handwritten in ink (holographic). If the document is filed electronically then the
4 filer must scan the signature page and insert it into the electronic (.pdf) version of
5 the document filed with the court.”

6 On February 7, 2023, Counsel filed the remaining case commencement documents with
7 the signature lines inserted from the photographs. The Court issued yet another deficiency notice
8 which stated:

9
10 “Document filed without Holographic signature of Debtor. Signatures are
11 unreadable and or Missing. THE FILER IS INSTRUCTED TO RE-FILE THE
12 DOCUMENT WITH THE PROPER HOLOGRAPHIC SIGNATURES.”


13 Accordingly, Counsel extracted the signature lines from the pictures he was provided and
14 inserted them into the “clean” PDF version of these documents. This was done in a good faith
15 belief that he was filing in compliance with the rule stated above.

16 If this case is dismissed, it would cause a great deal of prejudice to the Debtor as she has
17 been in compliance with all other Chapter 13 procedures, such as producing documents and
18 making post-petition payments.

19 Although the last event on the document is the deficiency notice issued today, February
20 7, 2023, the deadline for filing these documents has not been extended. It is respectfully
21 requested the deadline for filing these documents be extended to February 10, 2023, to allow
22 Debtor to obtain clean signatures (she does not own a scanner and will need to go to an office
23 supplies store) and for Counsel to review the docket to ensure that all the necessary documents
24 are properly signed and re-filed.

25
26 Date: February 7, 2023

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BENJAMIN HESTON
Attorney for Debtor